

Before the

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR 17 1998

In the Matter of )

) CC Docket No. 95-116

) NSD No. 98-27

Telephone Number Portability )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**REPLY COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION IN  
OPPOSITION TO PETITIONS FOR EXTENSION OF TIME OF  
BELLSOUTH, U S WEST, GTE and PACIFIC BELL**

MCI Telecommunications Corporation (MCI) by counsel, hereby files these reply comments in opposition to the Petition For Extension Of Time Of BellSouth (BellSouth Petition), U S WEST, GTE and Pacific Bell, filed on March 2 1998.<sup>1</sup>

**I. BELLSOUTH'S DEPLOYMENT SCHEDULE INSERTS  
UNNECESSARY DELAY INTO THE LNP DEPLOYMENT SCHEDULE.**

BellSouth's position is untenable. Even though it knew that it would be required to comply with the Federal Communications Commission's (Commission's) local number portability (LNP) deployment schedule and the NANC 1.8 specifications,<sup>2</sup> it chose to implement an internal testing and deployment schedule that nearly ensured that it would be unable to comply with either in a timely fashion. And now, on the eve of introduction of real choice to the affected metropolitan statistical areas (MSAs), it simply

<sup>1</sup> *Public Notice*, Common Carrier Bureau Seeks Comment On Petitions For Extension Of Time Of The Local Number Portability Phase I Implementation Deadline, CC Docket No. 95-116, NSD File No. L-98-27 (rel. Mar. 5, 1998). *Public Notice*, Common Carrier Bureau Seeks Comment On Petitions For Extension Of Time Of The Local Number Portability Phase I Implementation Deadline, CC Docket No. 95-116, NSD File Nos. L-98-32, L-98-31, L-98-29 (rel. Mar. 5, 1998). *Public Notice*, Common Carrier Bureau Seeks Comment On Petitions For Extension Of Time Of The Local Number Portability Phase I Implementation Deadline, CC Docket No. 95-116, NSD File No. L-98-27 (rel. Mar. 4, 1998).

<sup>2</sup> Even though the NPAC has changed from Perot to Lockheed, the required NPAC interface that BellSouth must deploy remains the same, and BellSouth is well aware of the fact that changing from 1.1 to 1.8 does not require a great deal of modification or coding changes. And the fact that BellSouth decided, on its own, not to plan timely upgrades from 1.1 to 1.8, now that it has contributed further to the delayed deployment of LNP, should be held against it MCI and other carriers which successfully made these changes in a timely fashion should not suffer any longer than absolutely necessary if the Commission grants a delay. Moreover, it is clear from the affidavit of Nancy W. Smith, attached to BellSouth's Petition, that BellSouth never had any intention to comply with the Commission's LNP deployment schedule. See Affidavit of Nancy W. Smith, ¶ 10.

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states that deployment on a reasonable accelerated schedule is, “simply put, . . . not technically feasible for BellSouth.”<sup>3</sup> It furthermore expects the Commission and its future competitors to simply take its word for it.

BellSouth does all of this while also continuing to file petition after petition at the Commission for permission to provide in-region long distance telecommunications services pursuant to section 271. The Commission should not condone this double-minded behavior. Instead, it should require BellSouth to deploy LNP in the affected MSAs on an accelerated schedule, using its best efforts and overtime, if necessary, to accomplish that goal. In the meantime, it should deny any future 271 applications filed by BellSouth before it has fully complied with section 271(c)(2)(B)(xi), which requires “full compliance” with the Commission’s long-term LNP regulations.

BellSouth has failed to meet the Commission’s high standard for receipt of a waiver of its LNP deployment obligations for the extensive period of time it has requested. The Commission should deny BellSouth’s request for such a long delay, and grant BellSouth only the minimum amount of additional time needed to deploy LNP. As MCI stated in its comments, BellSouth does not need nearly the amount of time it claims, and the Commission should deny its request for additional time, which would serve only to delay introduction of choice to consumers.

BellSouth has not provided an adequate basis for the extensive delay it seeks. In its comments, MCI outlined the many unnecessary items contained in BellSouth’s proposed timeline, and will not reiterate them at length here. There are, however, certain points raised by other commenting parties, and by BellSouth in its comments on other carriers’ requests for extensions of time, to which MCI is constrained to respond.

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<sup>3</sup> BellSouth Comments, p. 5.

BellSouth acknowledges in its Petition that the software vendors used by U S WEST and Pacific Bell were better prepared for the change from Perot Systems (Perot) to Lockheed Martin (Lockheed) as the Number Portability Administration Center (NPAC)<sup>4</sup>. At the same time, however, BellSouth asserts that for it to hire an outside software vendor would have been "expensive" and "time consuming". It is of course now painfully clear that BellSouth's election to perform its own software changes, culminating in their current non-working state, has not only been more expensive and time consuming, but also ineffective.

BellSouth's Petition states that it must upgrade its AIN SMS to NANC 1.8<sup>5</sup>, and, as a result, cannot deploy LNP in a timely fashion. But nowhere does BellSouth indicate that it has explored or analyzed any possible interim solutions that might alleviate the need for a delay while it conducts its internal system retrofits. To put it bluntly, perhaps BellSouth made a series of bad internal decisions that resulted in its current problems. Even so, other carriers that are now adversely affected by BellSouth's delay should not be forced to suffer due to BellSouth's decisions for any longer than absolutely necessary.

BellSouth should be compelled by the Commission to take whatever steps are necessary to deploy LNP as soon as possible. If this means moving to a third party vendor to provide it with the NPAC software and interfaces it needs, then so be it. Cost, time and resources are precious, as pointed out by BellSouth, but no one is surprised to learn that deploying LNP requires a significant amount of each. And, as stated by MCI in

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<sup>4</sup> BellSouth Comments, p. 8. MCI finds this comment odd, considering the fact that though BellSouth claims to have been an early supporter of changing from Perot to Lockheed, it now claims that the "last minute" change has prevented it from deploying LNP in a timely fashion. But if it is true that BellSouth began its initial software development effort "months in advance of the Commission's LNP deployment schedule," it should have exercised the same prudence when it came to the Perot replacement. BellSouth had every opportunity to utilize vendors, as did other carriers, in the face of the NPAC change.

<sup>5</sup> BellSouth Petition, p. 20.

its comments, lack of any of them is simply an inadequate and sorry excuse for an inability to deploy LNP in a more timely fashion than what is advocated by BellSouth.

BellSouth asks the Commission to order that if BellSouth receives an extension of time to deploy LNP, it should allow all local exchange carriers (LECs) to receive an extension coincident with what BellSouth receives.<sup>6</sup> This request goes far beyond the scope of BellSouth's request and should not be considered by the Commission. Under the Commission's rules, BellSouth can seek a waiver of LNP deployment obligations for itself. It cannot seek relief on behalf of other carriers. The Commission should deny this request.

BellSouth seeks to hide behind the assertion that, for network reliability concerns, the Commission should not force BellSouth to "flash cut" LNP deployment.<sup>7</sup> BellSouth would thus have the Commission believe that anything less than its proposed deployment schedule, which, as MCI pointed out in its comments, seeks to insert more delay into the deployment process than necessary, would necessarily properly be termed a "flash cut."<sup>8</sup> MCI disagrees with this over-exaggerated characterization, and the Commission should not be fooled by it. The Commission should order BellSouth to deploy LNP on a more realistic schedule, which requires BellSouth to demonstrate that it is in fact committed to complying with its statutory obligation.

The interface requirements between the NPAC and BellSouth did not change simply because of the transition from Perot to Lockheed. BellSouth should thus be ready to initiate testing with Lockheed as soon as the NPAC is made "live," and should be able

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<sup>6</sup> BellSouth Comments, p. 9.

<sup>7</sup> BellSouth Comments, p. 8.

<sup>8</sup> *Id.* p. 8.

to implement LNP in its MSAs by the end of 1998. The extra time inserted into its proposed schedule should be eliminated as BellSouth has failed to present any technical facts to substantiate its need for the extensive delay it has requested.

MCI agrees that BellSouth should not benefit from any delay the Commission may grant it, and thus, joins AT&T's request that the Commission put BellSouth's competitors in the same position they would have been in had BellSouth implemented LNP on schedule. Additionally, it is important that the Commission ensure that, even though BellSouth may not be NPAC-certified by May 11, it should not benefit from its dilatory LNP deployment by deferring its obligation to begin paying its share of Lockheed's fees under the contract, as must all other carriers.

The Commission should disregard BellSouth's comment that LLC consensus dates are outside of the control of the LLC.<sup>9</sup> While this may be so, it entirely misses the point. The fact of the matter is that Perot failed to meet its obligations, and Lockheed has demonstrated several times over its ability to perform those obligations in a timely and efficient manner. There is no reason to believe, as BellSouth infers, Lockheed will fail to meet its contractual obligations to provide an NPAC.<sup>10</sup>

MCI disagrees with BellSouth's argument that the Commission should "waive the 60-day filing requirement for additional petitions within the affected NPAC regions," to the extent it would allow LECs to seek waivers less than 60 days before the deployment deadline in a particular phase. Nothing prohibits carriers from seeking waivers of the LNP deployment schedule prior to the date falling 60 days before the deployment deadline, and several carriers have done so in this docket thus far. Allowing carriers less than 60 days as a rule, to seek waivers, would be unnecessary and premature at this time.

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<sup>9</sup> BellSouth Comments, p. 4.

BellSouth's attempts to delay LNP deployment in its MSAs beyond what is absolutely necessary should be rejected. BellSouth has failed to substantiate a need for the extensive and unnecessary amount of additional time it has requested to deploy LNP. As a result, the Commission should examine its proposed schedule carefully, and should remove from it every hour not absolutely necessary to deploy LNP in an expedited and efficient manner, thus bringing the benefits of competition to consumers in the affected MSAs sooner rather than later.

## **II. AT&T's PROPOSED SCHEDULE CALLS FOR UNNECESSARY DELAY**

MCI disagrees with AT&T regarding the appropriate time frame within which BellSouth and any other petitioner should be ordered to deploy LNP.<sup>11</sup> As pointed out in MCI's comments, the time frame within which BellSouth and all other petitioners can deploy LNP can be significantly compressed.<sup>12</sup> For example, while MCI agrees with AT&T's assessment that the delay in the southeast, west coast and western regions was initially caused by the previous NPAC vendor's inability to deliver a commercially ready platform. However, MCI feels strongly that inter-company testing can and should be completed in less than 30 days.<sup>13</sup>

It is also significant to underscore the fact that the May 11 NPAC certification date used by all petitioners seeking extensions of time is not sacrosanct.<sup>14</sup> As MCI stated in its comments, the May 11 date can be significantly shortened if carriers closely and wisely manage the schedule, and if they proceed immediately to the next step once the

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<sup>10</sup> See BellSouth Comments, p. 4 (wherein BellSouth infers that since NPAC SMS delivery is outside the control of the LLC, the new NPAC cannot be expected to meet any of the milestones adopted by the LLC.)

<sup>11</sup> AT&T Comments, p. 18.

<sup>12</sup> MCI Comments, pp. 9-11.

<sup>13</sup> See Comments of MCI, p. 15.

<sup>14</sup> MCI disagrees with AT&T comments in this regard as well. See Comments of AT&T, p. 18.

preceding step has been completed.<sup>15</sup> Carriers should continue working to become certified by the NPAC, while it also works to upgrade its switches and other LNP components, and it should do so according to a firm schedule ordered by the Commission and designed to ensure that there is not even an hour of unnecessary added delay.

AT&T states that inter-company testing should be completed 30 days after the “live” NPAC date.<sup>16</sup> MCI disagrees that this much time is needed between the date when the NPAC becomes “live,” and the date when inter-company network testing can be completed. This 30-day window should be viewed only as a proposed “planning” window, which can be expedited if carriers use their best efforts to do so. Moreover, there is no reason why live porting orders cannot overlap the end of the test window. This is so because the Local Service Request/Firm Order Confirmation process adopted by participating carriers has no effect whatsoever on the NPAC.

AT&T also asserts the need for 14 additional days after the NPAC “live” date to deploy in each Phase.<sup>17</sup> Since in reality, a maximum of two days, and no more, are needed to prepare the database for deployment after the NPAC is “live,” this additional delay is simply unnecessary. Additionally, as for opening up the NXXs, there is no reason why this cannot be performed prior to the end of testing so it does not insert additional unnecessary delay into the deployment process. After all, BellSouth, for example, is already performing LNP queries on NXXs in Atlanta.

Nothing is gained by taking an additional two weeks to deploy LNP in any of the phases after the NPAC is “live.” By the time the NPAC becomes “live,” it will literally be “lying in wait” for the completion of the NPAC certification and inter-company

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<sup>15</sup> MCI Comments, p. 5.

<sup>16</sup> AT&T Comments, p. 18.

<sup>17</sup> AT&T Comments, p. 18.

network testing. Live implementation should occur immediately after network testing is complete, with only a maximum of two days inserted in order to conduct any necessary database clean-up activities.

### **III. U S WEST's, PACIFIC BELL's AND GTE's REQUESTS**

MCI agrees with WorldCom, Inc. (WorldCom), that U S WEST, Pacific Bell and GTE have each sought to insert unnecessary delays into the LNP deployment process in their respective MSAs.<sup>18</sup> As pointed out above and in MCI's comments on the petitions filed by U S WEST, Pacific Bell and GTE, the NPAC is more likely than not to become "live" before May 11. In light of this factor, there is not good reason why Pacific Bell, for example, proposes such an extensive amount of additional time to deploy LNP. U S WEST's claim that it lacks resources is specious and should not be accepted by the Commission as reason to deploy LNP in an unnecessarily delayed fashion. And MCI agrees with WorldCom that GTE certainly should be able to deploy LNP in a more timely fashion than it claims, particularly in light of the fact that it can rely on its extensive testing and knowledge of LNP in other parts of the country to support its efforts in the affected MSAs that are the subject of its petition.

**WHEREFORE**, for the foregoing reasons, MCI respectfully requests that the Commission deny BellSouth's Petition for the extended and unnecessary additional time it seeks to deploy LNP within its affected MSAs, and allow it an extension only to the extent absolutely and clearly necessary for it to deploy LNP. In no event should any extension of time extend beyond June 11, 1998, for Phases I and II, and BellSouth should be required to deploy LNP in all affected MSAs by December 31, 1998. MCI further requests that the Commission deny the petitions filed by U S WEST, GTE and Pacific

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<sup>18</sup> See WorldCom Comments, pp. 7-10.




Bell to the extent they seek unnecessary delays in the deployment schedule for their MSAs. Under no circumstances should any of those petitioners be allowed an extension of time beyond June 11, 1998, to deploy LNP in Phases I and II.

March 17, 1998

Respectfully submitted,

MCI TELECOMMUNICATIONS CORPORATION

A handwritten signature in dark ink, appearing to read "Donna M. Roberts", is written over a horizontal line.

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**CERTIFICATE OF SERVICE**

I, Sylvia Chukwuocha, do hereby certify that copies of the foregoing Reply Comments of MCI Telecommunications Corporation in Opposition to Petition for Extension of Time of BellSouth, US West, GTE and Pacific Bell were served this 17th day of March, 1998, by hand delivery or first-class mail, postage prepaid, upon each of the following persons:

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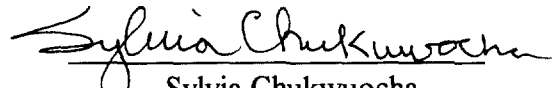
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